

Duane Morris*

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SO ORDERED

George B. Daniels
HON. GEORGE B. DANIELS

MAY 19 2008

May 16, 2008

VIA FEDERAL EXPRESS

Honorable George B. Daniels
 United States District Court for the
 Southern District of New York
 United States Courthouse
 500 Pearl Street - Room 630
 New York, NY 10007-1316

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Re: Cheryl Gibbs v. Verizon Pension Plan for New York and New England Associates, Case No.: 07 Civ. 9851

Dear Judge Daniels:

We represent the defendant, Verizon Pension Plan for New York and New England Associates (the "Pension Plan"). As you may recall, in this case, the Plaintiff is challenging a determination by the Pension Plan which denied her request for disability pension benefits on the ground that she failed to satisfy the several prerequisites for the same under the plain terms of the Pension Plan.

We write to request a brief extension of our time to file a motion for summary judgment on behalf of the Pension Plan, from May 21 to May 30, 2008. This request is necessitated by the fact that the Pension Plan needs a few more days to complete its review of all documentation relevant to this motion. Following the conference and at the Court's suggestion, the Pension Plan did extend a settlement offer to the Plaintiff in an effort to resolve this matter without expending the time, effort and expense associated with compiling all relevant documentation and drafting the summary judgment motion. It took the Plaintiff weeks to decide she was rejecting the Pension Plan's offer, which resulted in us being behind schedule for preparation of the motion.

During our preliminary conference on March 26, 2008, Your Honor requested that we prepare an agreed upon motion schedule and that Defendant's moving papers be filed with sufficient time for the Court to review them before the next conference on June 11, 2008. With this brief filing extension, the papers will still be filed sufficiently in advance of the conference

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for the Court to review them.¹ No prior requests for extension of our time to file these papers have been made. Ms. Gibbs has not consented to our extension request on the stated ground that she also has a case pending against Social Security and wants this case to be completed promptly.

Thank you for your attention to this matter.

Respectfully,



Eve I. Klein

EIK/jb
cc: Ms. Cheryl Gibbs (via Federal Express)

With this extension, all other service dates would be extended nine days. So Ms. Gibbs' opposition papers would be pushed back from June 23 to July 1, 2008, and the Pension Plan's reply, if any, would be adjourned from July 11 to July 20, 2008.